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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,982	08/06/2001	Andrew Ewart Scott	A-70583/DJB	2198
32940	7590	05/16/2007	EXAMINER	
DORSEY & WHITNEY LLP			OPSASNICK, MICHAEL N	
555 CALIFORNIA STREET, SUITE 1000			ART UNIT	PAPER NUMBER
SUITE 1000			2626	
SAN FRANCISCO, CA 94104			MAIL DATE	DELIVERY MODE
			05/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/831,982	SCOTT, ANDREW EWART	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael N. Opsasnick	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 22 February 2007.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8,11-21,24-34,36-39 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8,11-21,24-34,36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (6282511) in further in view of Schwartz et al (6473609)

As per claim 1, Mayer (6282511) teaches a data access method including connecting to a caller using a voice call path, receiving a request for data from said caller on said call path (col. 5 lines 42-52);

“sending....prompt navigation language” as sending the request from the assigned voice serving unit to the primary serving node for the html page (col. 5 lines 49-55);

“receiving said....voice data....converting said voice data....call path” as receiving the voiced text from the HTML page back to the user and converted into audio (col. 5 line 64 – col. 6 line 9).

Mayer (6282511) teaches the use of the html protocols in the method and system applied to the claims as noted above. However, Mayer (6282511) is silent on the use of

WML or HDML in these methods/systems. However, Schwartz et al (6473609) teaches the interchangeability of HTML, HDML, and WML with systems that are in communication with each other (Schwartz et al (6473609), col. 8 lines 55-65). Therefore, it would have been obvious to one of ordinary skill in the art of programming languages to modify the teachings of Mayer (6282511) to include a WML or HDML version of the HTML language because it would advantageously allow for more efficient passage of instructions, especially over differing types of networks (Schwartz et al (6473609), col. 8 lines 46-55).

As per claim 2, Mayer (6282511) teaches the HTML page to include voiced text (col. 5 lines 64-65), text and hypertext (col. 6 lines 47-65).

As per claim 3, Mayer (6282511) teaches conversion of text to speech (col. 6 lines 59-64).

As per claims 4,5, Mayer (6282511) teaches recognition of prompt data into a system action (col. 7 lines 24-29).

As per claim 6, Mayer (6282511) teaches waiting for the user's response to be translated (col. 7 lines 19-29).

As per claims 7,8, Mayer (6282511) teaches responding to the user's request with identifiable confirmation of what is located on the HTML page (col. 10 lines 35-50).

As per claims 11-13, Mayer (6282511) teaches the use of the system over the internet, taking advantage of HTML, to simulate IVR (col. 10 line 61 – col. 11, line 16).

Claims 14-21,24-34,37-39 are directed to a system and voice browser implementing the method as detailed in claims 1-8,11-13 and therefore are similar in scope and content and rejected under similar rationale as presented above in the rejection of claims 1-8,11-13.

### ***Response to Arguments***

3. The arguments filed in the response have been fully considered but they are not persuasive. Examiner notes that the motivation to combine the reference has come from the second reference itself, and not from applicant's disclosure. The commonality of Schwartz and Mayer is toward communications systems dealing with voice, calls, and messaging; furthermore, the argument towards "Schwartz et al does not differentiate between any of the numerous languages discussed therein", applicant's current claim scope does not differentiate between the differences of these languages – in other words, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
*Mark M. Gandy*  
primary examiner  
AU2626  
05/10/07